



Criminal Justice Act 2003

2003 CHAPTER 44

PART 1

AMENDMENTS OF POLICE AND CRIMINAL EVIDENCE ACT 1984

4 Bail elsewhere than at police station

(1) Section 30 of the 1984 Act (arrest elsewhere than at police station) is amended as follows.

(2) For subsection (1) there is substituted—

“(1) Subsection (1A) applies where a person is, at any place other than a police station—

- (a) arrested by a constable for an offence, or
- (b) taken into custody by a constable after being arrested for an offence by a person other than a constable.

(1A) The person must be taken by a constable to a police station as soon as practicable after the arrest.

(1B) Subsection (1A) has effect subject to section 30A (release on bail) and subsection (7) (release without bail).”

(3) In subsection (2) for “subsection (1)” there is substituted “ subsection (1A) ”.

(4) For subsection (7) there is substituted—

“(7) A person arrested by a constable at any place other than a police station must be released without bail if the condition in subsection (7A) is satisfied.

(7A) The condition is that, at any time before the person arrested reaches a police station, a constable is satisfied that there are no grounds for keeping him under arrest or releasing him on bail under section 30A.”

(5) For subsections (10) and (11) there is substituted—

Status: Point in time view as at 15/01/2007.

Changes to legislation: Criminal Justice Act 2003, Section 4 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- “(10) Nothing in subsection (1A) or in section 30A prevents a constable delaying taking a person to a police station or releasing him on bail if the condition in subsection (10A) is satisfied.
- (10A) The condition is that the presence of the person at a place (other than a police station) is necessary in order to carry out such investigations as it is reasonable to carry out immediately.
- (11) Where there is any such delay the reasons for the delay must be recorded when the person first arrives at the police station or (as the case may be) is released on bail.”
- (6) In subsection (12) for “subsection (1)” there is substituted “ subsection (1A) or section 30A ”.
- (7) After section 30 there is inserted—

“30A Bail elsewhere than at police station

- (1) A constable may release on bail a person who is arrested or taken into custody in the circumstances mentioned in section 30(1).
- (2) A person may be released on bail under subsection (1) at any time before he arrives at a police station.
- (3) A person released on bail under subsection (1) must be required to attend a police station.
- (4) No other requirement may be imposed on the person as a condition of bail.
- (5) The police station which the person is required to attend may be any police station.

30B Bail under section 30A: notices

- (1) Where a constable grants bail to a person under section 30A, he must give that person a notice in writing before he is released.
- (2) The notice must state—
 - (a) the offence for which he was arrested, and
 - (b) the ground on which he was arrested.
- (3) The notice must inform him that he is required to attend a police station.
- (4) It may also specify the police station which he is required to attend and the time when he is required to attend.
- (5) If the notice does not include the information mentioned in subsection (4), the person must subsequently be given a further notice in writing which contains that information.
- (6) The person may be required to attend a different police station from that specified in the notice under subsection (1) or (5) or to attend at a different time.

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- (7) He must be given notice in writing of any such change as is mentioned in subsection (6) but more than one such notice may be given to him.

30C Bail under section 30A: supplemental

- (1) A person who has been required to attend a police station is not required to do so if he is given notice in writing that his attendance is no longer required.
- (2) If a person is required to attend a police station which is not a designated police station he must be—
- (a) released, or
 - (b) taken to a designated police station, not more than six hours after his arrival.
- (3) Nothing in the Bail Act 1976 applies in relation to bail under section 30A.
- (4) Nothing in section 30A or 30B or in this section prevents the re-arrest without a warrant of a person released on bail under section 30A if new evidence justifying a further arrest has come to light since his release.

30D Failure to answer to bail under section 30A

- (1) A constable may arrest without a warrant a person who—
- (a) has been released on bail under section 30A subject to a requirement to attend a specified police station, but
 - (b) fails to attend the police station at the specified time.
- (2) A person arrested under subsection (1) must be taken to a police station (which may be the specified police station or any other police station) as soon as practicable after the arrest.
- (3) In subsection (1), “specified” means specified in a notice under subsection (1) or (5) of section 30B or, if notice of change has been given under subsection (7) of that section, in that notice.
- (4) For the purposes of—
- (a) section 30 (subject to the obligation in subsection (2)), and
 - (b) section 31,
- an arrest under this section is to be treated as an arrest for an offence.”

Status:

Point in time view as at 15/01/2007.

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